

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

United States of America

v.

KENNETH SCOTT BOYD

Case No.

16-2815
UNDER SEAL*Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 2, 2016 in the county of Blair in the
Western District of Pennsylvania, the defendant(s) violated:*Code Section*18 U.S.C. Sections 2252(a)(1) and
2252(a)(2)*Offense Description*Knowingly transporting or shipping by any means, including by computer in or
affecting interstate or foreign commerce, a visual depiction of a minor
engaging in sexually explicit conduct; and knowingly distributing by any
means or facility of interstate commerce a visual depiction of a minor
engaging in sexually explicit conduct on or about May 2, 2016;

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Michael J. Hochrein, Special Agent-FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 16 June 2016*Judge's signature*City and state: Johnstown, Pennsylvania

Keith A. Pesto, Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MAGISTRATE NO. 16-2815

[UNDER SEAL]

APPLICATION AND AFFIDAVIT
FOR CRIMINAL COMPLAINT AND ARREST WARRANT

I, Michael J. Hochrein, being first duly sworn, do hereby state and affirm the following:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so for approximately 27 years. I am currently assigned to the Laurel Highlands Resident Agency of the Pittsburgh Division of the FBI. That resident agency is located in Johnstown, Pennsylvania. As an FBI Agent, I am an "investigative or law enforcement officer . . . of the United States" within the meaning of Title 18, United States Code, Section 2510(7). I am an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516. Through my experience and training, I know that Title 18, United States Code, Sections 2252(a)(1) and (a)(2) make it a criminal offense for any person to knowingly transport or ship, or receive in interstate or foreign commerce by any means, including by computer, any visual depiction of a minor engaged in sexually explicit conduct. Also, Section 2252(a)(4)(B) prohibits a person from possessing one or more matters which contain such visual depictions which have been mailed or shipped in interstate or foreign commerce or which produced using materials which have been mailed

or so shipped or transported by any means, including computer. I am also aware that Title 18, United States Code, Section 2256 defines "minor" as "any person under the age of eighteen years." Also, Section 2256 defines "sexually explicit conduct" as including:

- a. genital-genital, oral-genital, anal-genital, and oral-anal sexual intercourse, whether between persons of the same or opposite sex;
- b. bestiality
- c. masturbation
- d. sadistic or masochistic; or
- e. lascivious exhibition of the genitals or pubic area of any person.

2. I obtained the information contained in this affidavit from my personal participation in this investigation and from other sources identified herein.

3. This affidavit is submitted in support of a Criminal Complaint and Arrest Warrant for Kenneth Scott Boyd, for a violation of 18 U.S.C. § 2252(a)(1), knowingly transporting or shipping by any means, including by computer in or affecting interstate or foreign commerce, a visual depiction of a minor engaging in sexually explicit conduct; and 18 U.S.C. § 2252(a)(2), knowingly distributing by any means or facility of interstate commerce a visual depiction of a minor engaging in sexually explicit conduct, on or about May 2, 2016. Kenneth Scott Boyd is a white male with brown hair whose date of birth is May 4, 1983, and whose Social Security Number ends with the four digits XXX-XX-1267.

4. The FBI, Pittsburgh Division, Laurel Highlands Resident Agency received a telephone call from Special Agent Edward Moschella of the FBI, Washington Field Office's Child Exploitation Task Force on June 02, 2016. In that call, the affiant

was advised by FBI Special Agent Moschella that a joint Metropolitan Police Department-FBI Task Force's undercover Internet operation had identified an individual in the Johnstown-Altoona, Pennsylvania, area who claimed he was sexually molesting his minor daughter. On the same date, Detective and Task Force Officer Timothy Palchak, at the direction of Special Agent Moschella, forwarded to this affiant a Statement of Facts that reads, in part, as follows:

"Leading up to April 30, 2016, Detective Timothy Palchak, the undersigned detective, was acting in an undercover capacity as part of the Metropolitan Police Department-Federal Bureau of Investigation ('MDP-FBI') child exploitation Task Force. Acting as an undercover task force officer ('UC'), the undersigned had posted an online advertisement in a predicated area of the online website for classified advertisements, which, based on the UC's experience and information gathered from other sources, is an area of the website that is frequented by individuals who have a sexual interest in children and incest. The advertisement was intended to attract individuals with a sexual interest in children through the use of terminologies such as 'No Limit' and 'Taboo'. On April 30, 2016, an individual with profile name 'John Connor,' subsequently identified as Kenneth Boyd ('Boyd'), answered the UC's advertisement, stating, 'Kik name- andes83'. The UC replied to Boyd's Kik name and began a one on one instant messenger conversation. During the course of the chat which started on May 2, 2016, at 12:26pm EST, Boyd stated, '32male, Pa, daughter 7', the UC responded, 'nice!!! You active?', Boyd responded, 'Yes'. Boyd stated, '69 and let her ride me without insertion. You?' The UC informed Boyd that he was sexually active with his purported 9 year-old daughter. Boyd further stated as it relates to his daughter, 'I have let her suck me. Just her and I laying (sic) in bed and she would take her foot and rub my cock. She would ask me what it was. I was playing to asleep. Her her(sic) pull it out and inspect it. Then I grabbed my cock and lead it to her mouth. My god her mouth was warm'. Boyd stated that he has been playing with his daughter since she was an infant. Boyd stated, 'I use to take her diaper off and spread her legs and rub her cunny for her. Then I would lick the fuck outta her. Then jack off on her face'. The UC stated, 'Yes god I miss that age, have you ever taken special pics of her'. Boyd responded, 'I use to have several pics and vids of us. But I had to delete'. Boyd stated that he did not have pics of his daughter but had others to share. Boyd began sending images to the UC via Kik. The first image sent was a prepubescent child lying on the grass wearing a red halter top and blue jean shorts. Boyd sent the UC over fifty images, the majority of images depicted adult males sexually abusing prepubescent girls and boys. The following is a sample of what Boyd sent the UC: 1. An adult female licking a toddler's bare vagina. 2. An adult male inserting his index finger inside a prepubescent toddler's bare vagina. 3. A prepubescent female child being vaginally penetrated by an adult male penis. Boyd sent the UC a live camera picture of his daughter's bedroom to validate that he indeed has a 7 year-old daughter. The image

depicts a child's bed and stuffed animals. Boyd also sent an image of a prepubescent girl he describe as being his daughter. She is wearing a multicolored bathing suit sitting in a small blow up pool."

5. This affiant learned that communication between the UC and "Andes83" was done primarily through Kik. This affiant is aware that Kik is an Internet messenger application for mobile devices. The Kik application was first released in 2010 by the Canadian company Kik Interactive and can be downloaded for free on iOS, Android, and Windows Phone operating systems. Kik messenger uses the smartphone data plan or Wi-Fi to transmit and receive messages, photos, videos, sketches, mobile webpages, and other content after users register a username. Kik is known for preserving user anonymity, allowing users to register without providing a telephone number, and preventing users from being located on the service through any information other than their chosen username. A main attraction of Kik that differentiates it from other messaging applications is its anonymity. To register for the Kik service, a user must enter a first and last name, e-mail address, and birth date, and select a username. Users' names and birth dates are not verified, allowing users to misrepresent their identity and/or age if they so choose. Because the email address provided by the user is used by Kik and by the user to communicate any issues with the Kik service, the email address provided by the Kik user upon registration is generally accurate. The Kik registration process does not require the user enter a telephone number. This anonymity has been controversial because the lack of detection and tracking has attracted illicit users including online sexual predators. In March 2015 Kik Interactive began to utilize Microsoft's PhotoDNA cloud service to automatically detect, delete, and report the distribution of child exploitation images. However, because PhotoDNA operates by comparing images against an existing database

of exploitative images, it does not effectively prevent “realtime” online child abuse and may not detect material not yet added to its comparison database.

6. On June 12, 2016, the affiant reviewed an extraction report of the smartphone used by the UC and was able to confirm the above conversations/contacts between Detective Palchak’s undercover identity and a Kik Messenger user name “Andes83 John Connor”. Your affiant also confirmed the images described in Detective Palchak’s Statement of Facts. The images were among 58 images forwarded to the affiant during this investigation as having been Kik messaged by via the Internet by “Andes83 John Connor” to the UC during conversations with the UC from May 02, 2016 through May 09, 2016. Fifty two (52) of the images depict the sexual exploitation of minors in that the images depict minor children, predominately female, ranging in ages the affiant estimates from less than one year old to approximately twelve years old. The minor children are depicted engaging in sexual acts (as defined in §2256) with adults and/or are displaying genitalia for the camera person. For example, an image labeled **IMG_3057.jpg** depicts a toddler (estimated to be two or three years old) with an adult male penis in her mouth as she holds a handwritten note which reads “I (drawing of a heart shape) cock”. **IMG_3035.jpg** depicts a less than five year old female lying on her back, naked, before a television with her legs spread to display her vagina in the same manner as a child pornography image on the television screen behind her. These images were sent via the Internet to the UC by "Andes83" on May 2, 2016.

7. On May 02, 2016, FBI, Washington Field Office, issued an emergency disclosure request to Kik for subscriber information associated with Kik user name “andes83”. Kik’s response provided an email address of arniefan83@yahoo.com,

associated with the account, as well as Sprint PCS IP addresses from which the andes83 account was accessed between April 30 and May 2, 2016. On May 3, 2016, Yahoo! responded to an exigent request for subscriber information associated with the email address **arniefan83@yahoo.com** provided by Kik. Information received from Yahoo! reflected that email address **arniefan83@yahoo.com** was subscribed to a Kenneth Boyd. The information also indicated that Sprint telephone number 903-268-5146 was associated with the Yahoo! email account. Open source searches of that telephone number established the telephone number was identified with the social media profile www.facebook.com/kenny.boyd.90, also in the name of "Kenny Boyd". Further information from Yahoo! reflected that the registration IP address and postal zip code pertaining to the email account in question resolves to Quinlan, Texas. An examination of Kenny Boyd's Facebook profile identified Kenneth Scott Boyd, his wife Shaunna A. Boyd, and two minor children, a boy and a girl. A photograph of Boyd, his wife, and two minor children was also posted on the Facebook page. This affiant compared the minor female depicted in the Facebook photograph with the minor female depicted in one of the photographs (image files) sent by user "Andes83" to the undercover officer as representative of his (Andes83's) daughter. They appear to depict the same individual. FBI Washington Field Office further examined Shaunna Boyd's Facebook profile www.facebook.com/shaunna.a.boyd. In that profile, it was mentioned that the Boyd family recently relocated to Altoona, Pennsylvania, from Texas in April 2016. A query of the United States Postal Service yielded a change of address form completed in the name of Shaunna Boyd. The form, dated April 07, 2016, requested mail be forwarded from 8591 West Ridge Drive, Quinlan, Texas 75474, to 611 Crawford Avenue, Altoona,

Pennsylvania 16602. Thus, it appears Kenneth Scott Boyd was residing in Altoona, Pennsylvania, at the time he sent the above-described images.

8. On June 03, 2016, your affiant conducted surveillance of the exterior of 611 Crawford Avenue, Altoona, Pennsylvania 16602. At approximately 12:30pm on that date, the front of the residential building was photographed. Also observed and photographed was a silver Dodge pickup truck parked in front of 611 Crawford Avenue. It bore Texas registration plate numbered GVG1239. A subsequent query of available State databases identified that plate as registered to Kenneth Scott Boyd, 8591 West Ridge Drive, Quinlan, Texas 75474.

9. Based on the information set forth herein, your affiant has probable cause to believe that, on or about May 2, 2016, Kenneth Scott Boyd did knowingly transport or ship, or receive in interstate or foreign commerce by any means, including by computer, a visual depiction, the production of which involves the use of a minor engaging in sexually explicit conduct, and the visual depiction was of such conduct, in violation of Title 18, United States Code, Section 2252(a)(1), that, on or about May 2, 2016, Kenneth Scott Boyd also did knowingly distribute a visual depiction by means and facility of interstate commerce, the production of which visual depiction involved the use of a minor engaging in sexually explicit conduct, and the depiction was of such conduct, in violation of Title 18, United States Code, Section 2252(a)(2).

The above information is true and correct to the best of my knowledge,
information, and belief.



MICHAEL J. HOCHREIN
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me
this 16th day of June, 2016.



KEITH A. PESTO
United States Magistrate Judge